



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,130	02/20/2004	Laszlo Domokos	TS1461 (US)	1254
23632	7590	05/27/2008	EXAMINER	
SHELL OIL COMPANY			NGUYEN, CAM N	
P O BOX 2463			ART UNIT	PAPER NUMBER
HOUSTON, TX 772522463			1793	
			MAIL DATE	DELIVERY MODE
			05/27/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,130	<b>Applicant(s)</b> DOMOKOS ET AL.	
	<b>Examiner</b> Cam N. Nguyen	<b>Art Unit</b> 1793	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/11/08 (an amendment/RCE).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 27-56 is/are pending in the application.  
     4a) Of the above claim(s) 7-26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-35 is/are allowed.
- 6) ☒ Claim(s) 1-6, 27, 36-39 and 48 is/are rejected.
- 7) ☒ Claim(s) 40-47 and 49-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/10/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of an RCE Application**

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after the final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 3/11/08 has been entered.

### **Status of Withdrawn Claim(s)**

2. Claims 7-26 which withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Dated 05/17/07.

### **Claim Objections**

3. Claims 1 & 6 are objected to because of the following informalities:
- A. In claim 1, second from the last line, "said titania has" should be deleted.
  - B. In claim 6, line 1, "recited" should be changed to --claimed--.
- Appropriate correction is required.

### **Claim Rejections - 35 USC § 112 (Second Paragraph)**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 & 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "...are combined together prior to shaping said unsupported catalyst composition" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. The instant claim is drawn to a "composition" and there is no other process limitation in the claim to support the claimed limitation.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-39 & 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al., "hereinafter referred to as Takeuchi", (US Pat. 4,206,036).

Takeuchi discloses a catalyst comprising 45 to 95% by weight of titanium oxide, 3 to 40% by weight of at least one of molybdenum oxide and tungsten oxide, and 2 to 15% by weight of at least one nickel oxide and cobalt oxide (see col. 14, claim 1, ln 30-34). Takeuchi further discloses that the titanium oxide can be replaced with a small amount of refractory materials, such as alumina, silica, etc. (see col. 4, ln 49-53). See also col. 4, ln 24-30.

Takeuchi teaches the claimed unsupported catalyst composition containing the claimed metal components and metal amounts. The instantly claimed metal concentrations appear to be falling within and/or overlapping with the disclosed metal concentrations. It is considered the claimed catalyst composition is obvious over the catalyst composition of the reference because one having the ordinary skill in the art at the time the invention was made would have been envisaged to choose the claimed metal concentrations in order to achieve an effective catalyst composition, in view of *In re Schauzmann*.

**Response to Applicants' Arguments**

6. The amendment and remarks filed on 03/11/08 has been fully reconsidered, but not deemed persuasive in view of the new ground of rejection(s) and/or objection(s) above.

**Citations**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared.

**Conclusion**

8. Claims 1-56 are pending. Claims 1-6, 27, 36-39, & 48 are rejected. Claims 7-26 remain withdrawn due to nonelected (distinct) invention(s). Claims 28-35 are allowed. Claims 40-47 & 49-56 are objected.

**Contacts**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Cam N. Nguyen

Primary Examiner

Art Unit: 1793

/C. N. N./

Primary Examiner, Art Unit 1793

May 23, 2008